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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,846	09/04/2003	Jack Chu	85804-020301 (017887-0101)	8387
76058 7590 01/24/2008 YAHOO! INC. C/O GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166			EXAMINER KE, PENG	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,846	<b>Applicant(s)</b> CHU ET AL.	
	<b>Examiner</b> SIMON KE	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 1029.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 42-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/07 has been entered.

Claims 42-81 are pending in this application. Claims 42 and 62 are independent claims.

### ***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42 –43, 45-46, 60-63, 65-66, and 80-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Nawaz US Patent 6,272,493.

As per claim 42, Nawaz 5,959,621 teaches a dynamic content user interface, comprising:

a dynamic layer, the dynamic layer being generated for display to a user by a browser in communication with a server, and further comprising; (see Nawaz, figure 7, items 250 and 252; column 12, lines 10-12; Dynamic integration of multimedia data creates a dynamic layer of display.)

a visible item display area and a visible summary display area, the summary display area comprising a plurality of entries, (see figure 10, item 154; column 8, lines 13-25) the content displayed in the item display area being associated with a selected one of the plurality of entries in the summary

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display area, (see figure 10, item 154; column 9, lines 25-42; The current data from being display, which are source from ESPN, is a summary display) the item display area being updated to reflect, upon selection by said user, (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window) a newly selected one of the plurality of entries in the summary display area without retrieving additional information from said server. (see figure 19, item 340 the documents are periodically retrieved, so update from the server only come at the certain time, rest of documents are pre-stored on the server)

As per claim 43, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches a new one of the plurality of entries in the summary display area being automatically selected after a predetermined period of time. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 45, Nawaz teaches the dynamic content user interface of claim 43. Nawaz further teaches the dynamic content user interface iterating through the entries in the summary display area. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 46, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches the dynamic layer further comprising a media display area. (see Nawaz, col 5, lines 35-50)

As per claim 60, Nawaz teaches the dynamic content user interface of claim 42. Nawaz further teaches the interface comprising a visual cue, the visual cue being associated with the currently selected entry in the plurality of entries. (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window)

As per claim 61, Nawaz teaches the dynamic content user interface of claim 60. Nawaz further teaches the visual cue comprising a graphical indicia displayed next to the currently selected entry in the plurality of entries. (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on

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the display window)

As per claim 62, Nawaz teaches method for displaying dynamic content, comprising: transmitting a browser interpretable document to a computing device operable by a user; enabling communication between said document and a server; and said browser interpretable document further comprises instructions for:

displaying a dynamic layer to the user, the dynamic layer comprising an item display area and a summary display area, the summary display area comprising a plurality of entries, and each of the plurality of entries comprising a user selectable region; (see Nawaz, figure 7, items 250 and 252; column 12, lines 10-12; Dynamic integration of multimedia data creates a dynamic layer of display.)

monitoring user interactions with the dynamic layer to determine when a user interacts with a user selectable region; (see figure 10, items 164 and 162; selection of the scroll updates what is displayed on the display window) and,

displaying in the item display area information associated with the user selectable region with which the user interacted, the displaying being done without retrieving additional information from said server. (see figure 19, item 340 the documents are periodically retrieved, so update from the server only come at the certain time, rest of documents are pre-stored on the server)

As per claim 63, which is dependent on claim 62, it is rejected under the same scope as claim 43. Supra.

As per claims 65-66, they are rejected under the same rationale as claims 45-46. Supra

As per claims 80-81, they are rejected under the same rationale as claims 60-61. Supra.

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz US Patent 6,272,493 further in view of Seet US Patent 2004/0162760.

As per claim 44, Nawaz teaches the dynamic content user interface of claim 43. However, it fails to teach the new one of the plurality of entries being selected at random from the set of entries.

Seet (US 20040162760) teaches the new one of the plurality of entries being selected at random from the set of entries. (see Seet paragraph 0009)

It would have been obvious to an artisan at the time of the invention to include Seet's teaching with the interface of Nawaz in order to provide users with a spontaneous way of accessing webpage.

As per claim 64, it is rejected with the same rationale as claim 44. Supra.

Claims 47-59, and 67-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz US Patent 6,272,493 further in view of Walker US Patent 2002/0113812.

As per claim 47, Nawaz teaches the dynamic content user interface of claim 46. However it fails to teach the media display area further comprising at least one control capable of controlling the playing of media.

Walker (US 20020113812) teaches the media display area further comprising at least one control capable of controlling the playing of media. (see paragraph 0069)

It would have been obvious to an artisan at the time of the invention to include Walker's teaching with the interface of Nawaz in order to provide users with audio and video content.

As per claim 48, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for pausing playback. (see Walker figure 11g. The pausing button can pauses playback)

As per claim 49, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for initiating playback. (see Walker figure 11g. The scroll bar is a control initiate playback)

As per claim 50, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for stopping playback. (see Walker, paragraph 0070)

As per claim 51, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for rewinding playback. (see Walker, paragraph 0070)

As per claim 52, Nawaz and Walker teach the dynamic content user interface of claim 47.

Walker further teaches the at least one control comprising a control for fast forwarding playback. (see Walker, paragraph 0070)

As per claim 53, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising a control for muting the audio portion of media playback. (see Walker, paragraph 0070)

As per claim 54, Nawaz and Walker teach the dynamic content user interface of claim 47. Walker further teaches the at least one control comprising controls for initiating, pausing, and stopping playback. (see Walker, paragraph 0070)

As per claim 55, Nawaz and Walker teach the dynamic content user interface of claim 47. Nawaz further teaches playback being automatically initiated upon selection of a newly selected entry. (see Nawaz; col. 8, lines 33-lines 46)

As per claim 56, Nawaz and Walker teach the dynamic content user interface of claim 55. Nawaz further teaches the playback being automatically initiated after a delay. (see Nawaz; col. 8, lines 33-lines 46)



As per claim 57, Nawaz and Walker teach the dynamic content user interface of claim 46. Walker further teaches the media display area comprising a plug-in capable of presenting video. (see Walker, paragraph 0074)

As per claim 58, Nawaz and Walker teach the dynamic content user interface of claim 57. Walker further teaches the aspect ratio of the video being automatically adjusted without requiring a reload of the video. (see Walker, paragraph 0074)

As per claim 59, Nawaz and Walker teach the dynamic content user interface of claim 57. Walker further teaches the video being a streamed video. (see Walker, paragraph 0054)

As per claims 67-79, they are rejected with the same rationale as claims 47-59. Supra.

### ***Response to Argument***

Applicant's arguments filed on 10/29/07 have been fully considered but they are not persuasive.

Applicant's arguments focused on following:

A) Nawaz fails teaches dynamic layer?

A) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Nawaz teaches this limitation because its dynamic integration of multimedia data creates a dynamic layer of display. (see Nawaz, figure 7, items 250 and 252; col. 12, lines 10-12)

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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